

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.: 21-CV-557

\$95,950.00 IN U.S. CURRENCY,

Defendant.

---

VERIFIED COMPLAINT IN REM

---

Plaintiff, United States of America, by its attorneys, Timothy M. O'Shea, Acting United States Attorney for the Western District of Wisconsin, and by Heidi L. Luehring, Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

1. This is a civil action *in rem* brought to enforce the provision of 21 U.S.C. § 881(a)(6) for the forfeiture of all moneys furnished or intended to be furnished in exchange for a controlled substance, all proceeds traceable to such an exchange, and all moneys used or intended to be used to facilitate a violation of Title II of the Controlled Substances Act, 21 U.S.C. §§ 801 *et seq.*

2. The defendant property consists of \$95,950.00 in United States currency seized on March 27, 2021, by the Wisconsin State Patrol (WSP) during a traffic stop of an eastbound 2017 Infiniti vehicle for speeding on Interstate 94 near mile post 116 in Jackson County, Wisconsin.

3. Plaintiff brings this action *in rem* to forfeit and condemn the defendant property. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345 and over an action for forfeiture under 28 U.S.C. § 1355(a).

4. This Court has *in rem* jurisdiction over the defendant property pursuant to 28 U.S.C. § 1355(b)(1)(A), because venue properly lies in the Western District of Wisconsin pursuant to 28 U.S.C. § 1395.

5. Venue is proper in the United States District Court for the Western District of Wisconsin pursuant to 28 U.S.C. § 1355(b)(1), because pertinent acts or omissions giving rise to the forfeiture occurred in this District.

6. This Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. § 1355(b). Upon the filing of this complaint, the plaintiff requests that the Court issue an arrest warrant *in rem*, pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon the property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

7. The factual allegations supporting the seizure of the defendant property are contained within the attached declarations of Senior Financial Investigator Brenda Viteri and Wisconsin State Trooper Justin Glasener and those factual allegations are

incorporated herein as allegations asserted in this Complaint. As required by Rule G(2)(f), the facts set forth in the declarations support a reasonable belief that the United States will be able to meet its burden of proof at trial. Specifically, they support a reasonable belief that the United States will be able to show by a preponderance of the evidence that the defendant property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because it constitutes 1) money, negotiable instruments, securities and other things of value furnished and intended to be furnished in exchange for a controlled substance in violation of the Controlled Substances Act; 2) proceeds traceable to such an exchange; and 3) money, negotiable instruments, and securities used and intended to be used to facilitate a violation of the Controlled Substances Act.

WHEREFORE, the United States of America prays:

- (1) that process of warrant be issued for the arrest of the defendant property;
- (2) that due notice be given to all parties to appear and show cause why the forfeiture should not be ordered;
- (3) that judgment be entered ordering the property to be forfeited to the United States of America for disposition according to law; and

(4) that the United States of America be granted such other relief as this Court may deem just and proper, together with the costs and disbursements of this action.

Respectfully submitted this 3<sup>rd</sup> day of September 2021.

TIMOTHY M. O'SHEA  
Acting United States Attorney

By: /s/ Heidi L. Luehring  
HEIDI L. LUEHRING  
Assistant U. S. Attorney  
222 W. Washington Avenue  
Suite 700  
Madison, Wisconsin 53703